

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 22-mj-576 (TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	ORDER OF DETENTION
)	
DANIEL JAMES HART, JR.,)	
)	
Defendant,)	
)	

This matter came before the Court on July 20, 2022, for a preliminary hearing and upon the motion of the United States for an Order of Detention. Mr. Hart was present via Zoom and represented by his attorney, Andrew Irlbeck. The United States was represented by Assistant United States Attorney Justin A. Wesley.

Mr. Hart is charged by Complaint with one count of felon in possession of a firearm. At the hearing, Mr. Hart knowingly, voluntarily, and intelligently waived his right to a preliminary hearing. The Court concluded that probable cause exists to believe Mr. Hart committed the offense charged.

Regarding the issue of detention, the Court heard testimony, received government Exhibits 1 through 5, received defense Exhibits 1 through 4, reviewed the complaint and affidavit, and heard proffered evidence and arguments from the attorneys. Pre-trial services also interviewed Mr. Hart and issued a report recommending detention, finding that he presented a risk of non-appearance and a danger to the community.

Based on all the information before the Court, the Court concludes that there has been a clear and convincing showing that no condition or combination of conditions of bond will reasonably ensure the safety of the community. However, the Court does not conclude there has been a sufficient showing by the preponderance of the evidence that releasing Mr. Hart would create a serious risk of his nonappearance. Accordingly, the Court grants the government's motion for Detention to ensure the safety of the community.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under 18 U.S.C. § 3142, pretrial detention may be ordered either upon a clear and convincing showing that release will result in a danger to the community or upon a showing by a preponderance of the evidence that release will result in a serious risk of flight. The Court finds that detention is justified in order to ensure the safety of the community.

According to the bond report prepared by the office of probation and pretrial services, Mr. Hart poses a risk of danger to the community due to the nature of the offense, violent behavior history, criminal history, and the pending charge. Based on all of the information presented at the hearing, the Court agrees. Of particular importance to the Court is the nature of the offense, the strength of the evidence, and the evidence presented that Mr. Hart was involved in a shooting with the gun.

CONCLUSION

Based upon the evidence presented, the United States has made a clear and convincing showing that no condition or combination of conditions of bond will reasonably ensure the safety of the community. Accordingly,

IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of Mr. Hart is granted;
2. Mr. Hart is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Mr. Hart shall be afforded reasonable opportunity to consult privately with his lawyer; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which Mr. Hart is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: July 22, 2022

s/David T. Schultz
The Honorable David T. Schultz
United States Magistrate Judge